



Mr. Philip Taueki,

18 December 2013

Re: Review of Complaint - Assault/Counter Assault Allegations (Lake Domain, Horowhenua) 20 July 2013

Dear Philip,

I am writing to advise you that your complaint (assault) against two members of the Horowhenua Rowing Club (20 July 2013) has been investigated and reviewed with regard to whether a prosecution should proceed.

You will be aware that a counter complaint of intimidation, threatening behaviour and language offences has also been made. Essentially this incident involved a verbal altercation resulting in complaints and counter complaints.

I am advising you that Police will not be taking a prosecution on any of the complaints arising from the incident.

For any prosecution Police must adhere to the Solicitor General's guidelines, as these govern (or guide) best practice in terms of what matters should be taken before the court.

There are three aspects to these guidelines;

- Evidential sufficiency (i.e. is there sufficient evidence to support a prosecution?)
- The likelihood of securing a conviction (i.e. is the evidence sufficiently strong to support a conviction?) and thirdly;
- Public interest (This has a number of technical aspects to it)

With regard to your complaint of assault, only the third guideline is met.

The facts are that you remonstrated with members of the rowing club over what you perceived as a trespass onto Muaupoko land. Whether a trespass occurred or not is immaterial. In challenging the rowers it is clear that you were loud and used profane and obscene language. At one point you picked up a rowing skiff and an oar whilst remonstrating with the rowers. It is reasonable from the evidence available that your actions caused alarm, and that those present believed (subjective view) that a member or members were about to be, or could be assaulted. At that point two of the rowing club members tackled you to the ground and there is evidence that they held you on the ground for a period of time.

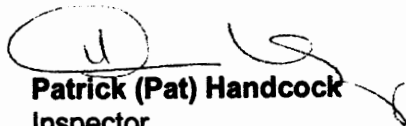
In considering whether charges should be laid it is reasonable for the prosecution to anticipate a defence; in this case consider whether a defence of self defence under Section 48 of the Crimes Act 1961 is likely to succeed. In this case it is clear that the rowers believed that an assault was imminent and the defence of self defence in all likelihood would succeed.

I realise that the historical and on-going acrimonious relationships between various parties (and I say this in a neutral context) will mean that this decision is not received well. However Police is working with a number of the key personalities to try and find a sustainable outcome to these long standing disputes that frequently occur.

I assure you that prosecutions will be taken against offending parties where it is appropriate and the circumstances meet the Solicitor General's guidelines.

Should you have any further queries, please contact me on the number provided.

Yours faithfully,



Patrick (Pat) Handcock
Inspector
Area Commander
Palmerston North